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Attorney Docket No. 2100632-991121

# 3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jan Wasowicz et al.

Serial No: 09/912,681

Group Art Unit: N/A

Filed: July 24, 2001

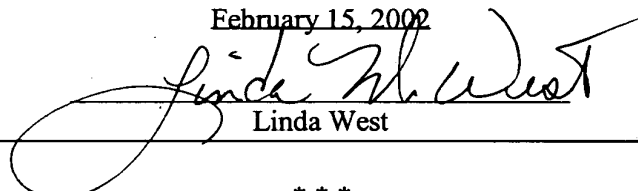
Examiner: Unknown

Title: DIAGNOSTIC SYSTEM AND METHOD FOR PHONOLOGICAL  
AWARENESS, PHONOLOGICAL PROCESSING. AND READING SKILL  
TESTING

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as FIRST CLASS MAIL in an envelope addressed to: BOX MISSING PARTS, Commissioner of Patents and Trademarks, Washington, D.C. 20231; on:

February 15, 2002

  
Linda West

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PETITION UNDER 37 C.F.R. §1.47(a) and 35 USC §116  
FILING WHEN A JOINT INVENTOR REFUSES TO SIGN OR CANNOT BE REACHED

ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231  
ATTN: BOX MISSING PARTS

Sir:

This Petition is being submitted in response to the "Notice to File Missing Parts of Nonprovisional Application" mailed on August 17, 2001. The application and the enclosed Declaration/Power of Attorney names Dr. Janet Wasowicz, Andrew Morrison and Feng-Qi Lai as inventors. Dr. Wasowicz has refused to join in the application for patent (and refused to sign the Declaration) and the other inventors desire to make this application on behalf of

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the inventor that refuses to join the application.

1) Applicant is submitting herewith a Declaration/Power of Attorney signed by Andrew Morrison and Feng-Qi Lai with a blank space for the signature of Dr. Janet Wasowicz and her execution date. This Declaration is signed by all of the available joint inventors with the signature block of the non-signing inventor left blank which is treated as having been signed by all of the available joint inventors on behalf of the non-signing inventor pursuant to MPEP 409.03(a)(A).

2) As set forth below, Applicant has established that the non-signing inventor was provided a copy of the patent application documents (including the specification, claims and drawings) and the formal documents (including the Declaration/Power of Attorney form and the Assignment form) on several occasions and has repeatedly refused to sign the formal documents despite her obligations to do so.

Attached to this petition are the Declarations of Joseph Bogdan and Timothy Lohse that set forth the facts showing that the non-signing joint inventor (Dr. Janet Wasowicz) was provided with the patent application documents (including the specification, claims and drawings) and the formal documents (including the Declaration/Power of Attorney form and the Assignment form), but has refused to sign the Declaration/Power of Attorney document to complete the filing of this application. These declarations establish the facts to illustrate the repeated communication of the documents to Dr. Janet Wasowicz and her refusal to execute the documents despite her obligations to do so.

3) The last known address of the non-signing inventor is : Dr. Janet Wasowicz, 207-2 Hamilton Street, Evanston, Illinois 60202.

4) Please charge Deposit Account No. 07-1896 the amount of \$130.00 (37 C.F.R. §1.17(h)) for the Petition fee under 37 C.F.R. §1.47 (a).

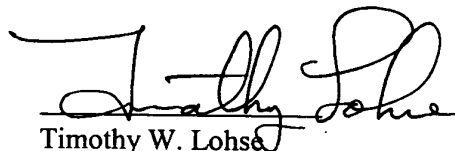
CONCLUSION

In view of the above documents and evidence, the requirements of 37 CFR §1.47(a) have been satisfied. Therefore, Applicant has satisfied the requirements contained in the "Notice to File Missing Parts of Nonprovisional Application" mailed on August 17, 2001 and Applicant requests that the application is filed on behalf of the non-signing inventor by the other inventors.

The Commissioner is hereby authorized to charge any additional fees due or credit any overpayment to Deposit Account No. 07-1896.

Respectfully submitted,

By:



Timothy W. Lohse  
Reg. No.: 35,255  
Attorney for Assignee

2/15/2002

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